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# **USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)**

**MONTHLY REPORT: August 2014**

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## **I. PROGRAM-RELATED ACTIVITIES AND TASKS**

### **RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM**

#### **1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can play in Strengthening the Rule of Law in Macedonia**

The Judicial Strengthening Project (JSP) fulfilled Requirement 1.1 during its first two years of implementation.

#### **1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved**

Per the findings of Requirement 1.1, JSP designed, delivered, and completed a training program to build the capacities of the Macedonian Judges Association (MJA), Court Administrators Association (CAA), and other legal professional associations (LPAs) as well as civil society organizations (CSOs). The sections below outline the follow up activities and events carried out during August 2014 that built on the implementation of the training program.

##### **1.2.1 Other Support for LPAs**

###### ***Macedonian Young Lawyers Association (MYLA)***

JSP proceeded with the procurement for the design of the *MYLA Analysis on the Challenges, Problems, and Perspectives of the Legal Profession in Macedonia*—a document generated at the project-supported MYLA National Conference in December 2013. The design was prepared in August and was sent to MYLA for comments and suggestions. The English translation of the document is expected to be completed by September 15. Upon receiving final approval from MYLA on both Macedonian and English versions, JSP will proceed with printing.

On August 8, the JSP sent a letter to the president of the Swedish Center for Justice, inviting him to visit Macedonia and conduct a workshop on strategic litigation for MYLA and the European Law Students Association (ELSA). The workshop will be conducted no later than the first week of October; specific dates will be determined upon availability of the experts. The Center for Justice was one of the organizations visited by the Macedonia delegation during the study tour in April 2013. Its hands on experience and success in the field of supporting the human rights of individuals were highly inspiring and motivating, especially for the representatives of MYLA.

###### ***Court Administration Association (CAA)***

Upon the request of the CAA, JSP will support the CAA President's participation at the Seventh International Conference of the International Association for Court Administration (IACA) by covering registration costs. The Conference will take place in Sydney, Australia, on September 24-26, 2014. The conference topic will be *International Perspectives on Justice Administration 10 Years On*. The topic presented by the Macedonia delegation at the Sixth International Conference, *Roles of Judicial Officers and Court Administrators and How the Relationship may be Improved and Enhanced*, will be further elaborated by multiple presenters at this year's conference. The Macedonian delegation will consist of two CAA members.

### ***European Law Students Association (ELSA)***

The ELSA website, officially launched in June, is fully functional and is continuously being populated with content by ELSA members.

### ***Macedonian Bar Association (BAR)***

During August, local vendor Fridge Check made final modifications of the design and functionalities of the BAR website in compliance with the needs of the association. A training program for BAR staff on updating the content will be organized in the fall. The official launch of the website is expected in early September upon availability of the BAR President.

## **1.2.2 Broad-Based Coalition of LPAs**

During August, ELSA members started working on the new brochure to promote the Rule of Law Council (ROLC) and present its vision and mission. The text will be shared with the other two ROLC organizations –CAA and MYLA– for comments.

In coordination with the ROLC, JSP commenced preparations for the procurement of services to develop and implement the awareness-raising campaign on the new Law on Criminal Procedure (LCP). A key activity of the ROLC's strategic plan, the goal of the campaign is to inform citizens of the procedures and their rights and duties under the new law. The primary target audience is citizens as potential victims, perpetrators of crime and witnesses; court staff is the secondary audience.

MYLA members prepared text describing the creation of the ROLC for posting on the websites of each of the three founding organizations. The JSP is currently reviewing the text, which should be ready for posting on the websites in September. ELSA, MYLA and CAA will have a separate section on their respective websites referring to the ROLC until a ROLC website is created.

## ***RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES***

### **2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System**

#### **2.2.1 Strategic Plans for the Basic Court (BC) Skopje I, Basic Court Skopje II, and the Academy for Judges and Public Prosecutors**

During August, the consultants from Trajkovski & Partners Consulting (T&P) continued the activities in the development of strategic plans.

**Basic Court Skopje I** – The half-day meeting with the working group of the BC Skopje I, for completing the initial self-assessment questionnaire is scheduled for September 1. Due to the busy schedule of the President of this court, the general Strategic Planning session will be held after October 1.

**Basic Court Skopje 2** - On August 24-26, T&P facilitated the general Strategic Planning Workshop for the BC Skopje 2 in Berovo. The working group consisted of nine judges and court staff designated by the President of this court. The strategic planning session followed the July 11 meeting of the working group for completion of the self-assessment questionnaire about relevant laws, the vision and mission of the court, and the desired project results.

During the Strategic Planning Workshop the following results were achieved:

- ✚ New vision, mission and work principles for the BC Skopje 2 were discussed;
- ✚ Strategic priorities and strategic projects in compliance with the priorities were determined;
- ✚ Projects were identified and categorized according to their characteristics;
- ✚ Project stakeholders, partners and timetables identified; and
- ✚ Plan for implementation and evaluation was developed.

**Academy for Judges and Public Prosecutors** – On August 16, T&P submitted to JSP the draft Strategic Plan for the Academy for review and further processing. JSP provided comments to T&P on August 18 and sent the draft Strategic Plan to the Academy for their consideration and final approval. On August 20, T&P received feedback from the Academy Director. The Strategic Plan will be finalized in early September and will be submitted to the Executive Board for approval.

### **2.2.2 Establish Analytical Office in the Judicial Council, Basic Court Skopje I and Appellate Court Bitola**

From September 30 until October 9, 2014, JSP will host the US consultant, Judge Joseph J. Traficanti to support the establishment of a Court Operations Support Office (Analytical Office) in the Judicial Council (JC), Appellate Court Skopje and the Basic Court (BC) Skopje I, to perform applied research and analysis. Judge Traficanti is expected to assist a working group in developing mission and goals, concept, protocols, description of tasks and activities for the Analytical Office. He will also support the development of an action plan that includes next steps and resources needed for establishing a fully operational Analytical Office.

This activity is envisioned to address the deficit in governance systems and management capacities of the Macedonian judicial system. The major priority task is improving the overall courts' operation and management, including planning, budget management, human resources management, evaluation of results and accomplishments.

### **2.2.3 Assist courts to improve transparency and communication with public and media**

The Judicial Practice Bulletins prepared by the Appellate Court Shtip and the Appellate Court Bitola were printed in 700 copies each. Each judge in the country will receive a copy of these bulletins.

## **RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES**

### **3.1 Requirement 3.1: Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff**

#### **3.1.1 Continue training opportunities for judges with the Academy**

On July 31<sup>st</sup>, the JSP met with the Deputy Minister of Justice, Director of the Academy and US Embassy-INL Justice representatives regarding the possible engagement of a consultant to assist an Academy-designated working group to develop a questionnaire for the entrance exam for candidates seeking enrollment at the Academy. Deputy Minister of Justice Biljana

Brishkoska-Boshkovski clarified that the MOJ does not intend to change the newly introduced model of multiple-choice questions and grading answers at this stage, and that it might happen only after the MOJ evaluates the initial results of its implementation after October 1, 2014. However, she expressed interest to host a US expert in September or October who could explain the methodology for preparing the questionnaire and the case studies for the bar examination. Based on that, the MOJ will consider whether the Law on the Bar Exam needs to be changed or modified and subsequently Rule book for passing entrance exam in the Academy.

The INL representatives announced that in the meantime they have approached two US consultants who are interested in this task. It was concluded that INL should move forward with the experts.

### **3.1.2 Training on writing skills for new civil judges**

During his upcoming consultancy, Judge Traficanti will also provide training for new civil judges on *Judicial Writing Skills*. With this training, scheduled for October 8<sup>th</sup>, the JSP continues support to the Academy in implementing targeted specialized trainings for judges, which are considered a priority for increasing the quality of decisions.

## **3.2 Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases**

### **3.2.1 Analyze Performance and Support Solutions for Improved Case Processing and Addressing Other Problems in the Administrative Court (AC)**

JSP reviewed and approved the short and focused Analysis of the Operations and Performance of the AC (Analysis) that had been submitted to the JSP in July. The Analysis is being translated by JSP staff and will then be shared with the AC and JC. Future steps will be identified for implementing priority solutions and recommendations.

### **3.2.2 Develop strategies for Differentiated Case Management (DCM) and determine National Time Standards (NTS) for different case types**

Following the July workshop facilitated by the U.S. court administration expert Marcus Zimmer, the next two-day workshop of the DCM working group is scheduled for September 12-13 in Mavrovo. The focus of this second workshop will be to classify the type of cases that are filed before basic courts with extended jurisdiction and draft criteria for assigning cases to four different tracks, according to their type. During this workshop, the composition of a separate NTS working group will be explored.

### **3.2.3 Electronic Digital Recording of Court Hearings and Trials**

On August 27, the JSP met with ECR consultant Saso Aleksoski to plan for the on-site technical train of trainers' session for appellate region court typists and IT staff. Specific September and October dates and locations will be determined upon availability of courts.

## **RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT**

### **Refurbishment of a Courtroom at the Faculty of Law in Shtip**

The proposals for refurbishing the mock trial courtroom at the "Goce Delcev" University Shtip Faculty of Law were reviewed by the JSP technical proposal evaluation committee on August 7 and August 14, 2014.

The technical proposal evaluation committee concluded that none of the bidders submitted complete proposals as required by the solicitation and the procurement process should be repeated. Accordingly, JSP amended the solicitation document and published it on August 21, 2014.

The schedule according to the new solicitation is as follows:

- On-site visit - August 25, 2014
- Closing Date for Questions - August 26, 2014
- Responses to questions - August 27, 2014
- Proposals Submittal - September 1, 2014
- Proposals Evaluation - September 3, 2014

On August 25<sup>th</sup>, the JSP facilitated the on-site visit attended by five potential vendors. Vendor questions were answered by the architect hired by JSP and the electric specialist. By the closing date for questions, August 26, none of the potential vendors has sent questions to JSP.

### **Procurement of spare parts for the Electronic Court Recording (ECR) hardware for the courts**

To support sustainability and enhancement of the use of ECR in the Macedonian courts, the JSP will procure spare parts necessary for the uninterrupted use of the Femida software and ECR hardware. During the reporting period, the JSP began the procurement process.

At this stage, the JSP considered it important to procure the following spare parts:

- 8 Multichannel Sound cards;
- 20 Wired microphone with table stands; and
- 8 Microphone preamplifiers (Mixers).

The request for quotations was sent to six vendors with a response deadline of September 5, 2014.

## **II. PROBLEMS AND REMEDIAL ACTIONS**

Problems have been minimal and are of the type to be expected in the regular course of implementation.

## **III. ADMINISTRATIVE MATTERS**

On August 17, Anne Mulhern completed her assignment with JSP as a Tt DPK Global Law and Development Fellow, which started on May 19, 2014. Ms. Mulhern supported the project's report writing, and administrative processes.

## **IV. SUMMARY OF ACTIVITIES PLANNED FOR SEPTEMBER 2014**

The summary of activities planned for September 2014 is as follows:

- Continue supporting strategic planning processes of BC Skopje I and BC Skopje II;
- Conduct second workshop of the DCM working group on September 12-13;
- Award subcontract and commence mock trial courtroom activity at the Faculty of Law in Shtip;
- Print MYLA analysis;

- Organize workshop to develop the bench book for processing domestic violence cases on September 25-26;
- Conduct two-day workshop on strategic litigation for MYLA and ELSA. The workshop will be led by the Center for Justice from Sweeden;
- Issue request for proposals for the ROLC public campaign on the new Law on Criminal Procedure;
- Conduct train of trainers' session for typists and IT staff on usage of SRS Femida per appellate regions;
- Print manual for IT personnel on the configuration of the SRS Femida; and
- Complete preparations for Judge Traficanti's upcoming consultancy.